

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FIRESTONE ART LLC d/b/a Eric Firestone,

Plaintiff,

-v-

PHILADELPHIA INDEMNITY INSURANCE  
COMPANY d/b/a Tokio Marine Highland, Fine Art  
Division *et al.*,

Defendants.  
-----X

24 Civ. 3772 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

For the reasons stated on the record, Plaintiff’s motion for a preliminary injunction is denied to the extent that Plaintiff sought to restrain Defendants from transporting the artworks covered under Plaintiff’s insurance policy outside of the New York City metropolitan area. *See* Dkt. 3-1 (proposed order to show cause) at 1.

By May 31, 2024, the parties shall file any stipulation as to a preliminary injunction on consent that would order Defendants to return the “Returnable Art,” as that term is defined in the Complaint, along with the Kenny Scharf mural in question. *See* Dkt. 3-3 (complaint) ¶ 25; *see also SEC v. Byers*, 609 F.3d 87, 93 (2d Cir. 2010). Plaintiff may also file a letter motion in support of sealing Docket Number 16 in accordance with Rule 4.B.ii of the Court’s Individual Rules and Practices in Civil Cases. Should Defendants oppose any such request, Defendants may file a letter motion in opposition no later than three business days after Plaintiff has filed its letter. As discussed during the hearing, the parties may also file a joint letter should they seek a stay of this action.

The Clerk of Court is respectfully directed to close Docket Number 3.

SO ORDERED.

Dated: May 25, 2024  
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN  
United States District Judge